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THE STATE OF ARIZONA
CITIZENS CLEAN ELECTIONS COMMISSION

REPORTER'S TRANSCRIPT OF PUBLIC MEETING

Phoenix, Arizona

June 30, 2011

9:30 a.m.

Reported By:

Angela Furniss Miller, RPR
Certified Reporter (AZ 50127)

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1 A PUBLIC MEETING, BEFORE THE CITIZENS CLEAN
 2 ELECTIONS COMMISSION, convened at 9:30 a.m. on June 30,
 3 2011, at the State of Arizona, Clean Elections
 4 Commission, 1616 W. Adams, Conference Room, Phoenix,
 5 Arizona, in the presence of the following Board members:

6 Mr. Jeff Fairman, Chairperson
 7 Mr. Timothy Reckart
 8 Ms. Lori Daniels (Telephonic)
 9 Mr. Louis Hoffman (Telephonic)

10 OTHERS PRESENT:

11 Todd Lang, Executive Director
 12 Colleen McGee, Deputy Director
 13 Paula Thomas, Executive Assistant
 14 Daniel Ruiz, II, Campaign Finance Manager
 15 Michael Becker, Voter Education Manager
 16 Thomas M. Collins, Assistant Attorney General
 17 Mary O'Grady, Osborn Maledon
 18 Joe Roth, Osborn Maledon
 19 Steve Clawson, Moses Anshell
 20 Steve Elzinga, Law Clerk, Attorney's General
 21 Office
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 23
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P R O C E E D I N G

1 CHAIRPERSON FAIRMAN: Okay. Good morning,
 2 everyone. I'd like to call today's meeting, Thursday,
 3 June 30th, of Arizona Clean Elections Commission to
 4 order. It is 9:33.
 5
 6 And I would note that on the phone are
 7 Commissioner -- Commissioners Hoffman and Commissioners
 8 Daniels. So, thank you all for being here. And
 9 Commissioner Reckart is here with me.
 10
 11 Before we get started, I would like to note
 12 that the Commission may vote to go into executive
 13 session, which will not be open to the public, for the
 14 purpose of obtaining legal advice on any item listed on
 15 the agenda, pursuant to A.R.S. 38-431.03(a)(3).
 16
 17 So, with that, we'll begin our agenda. Let's
 18 start with the -- the approval or the discussion of the
 19 May 20th meeting minutes. I hope you've all had a
 20 chance to look at them.
 21
 22 COMMISSIONER RECKART: I have.
 23
 24 CHAIRPERSON FAIRMAN: And having such, I'd
 25 entertain a motion.
 COMMISSIONER RECKART: So moved.
 CHAIRPERSON FAIRMAN: A second?
 COMMISSIONER DANIELS: Second.

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1 CHAIRPERSON FAIRMAN: Thank you very much.
 2 COMMISSIONER DANIELS: Second.
 3 CHAIRPERSON FAIRMAN: We have a motion and a
 4 second to approve the minutes. And all in favor, say
 5 "aye."
 6 (Chorus of ayes.)
 7
 8 CHAIRPERSON FAIRMAN: Any opposed? Okay. They
 9 passed. Thank you all very much.
 10
 11 Next on our agenda is our Executive Director
 12 report. And -- and before you start that, Todd, I'm
 13 going to take the -- the liberty of moving a couple of
 14 things around on the agenda after your report. So --
 15 just so everyone is aware of that.
 16
 17 So, Executive Director's report, Todd.
 18
 19 MR. LANG: Okay. Thank you. Well, of course,
 20 Commissioners, you've received the copies of the
 21 decision by the U.S. Supreme Court, striking down
 22 matching funds in a 5-4 decision. And not a surprise.
 23 And what I've been telling the press is -- because some
 24 of them think the whole Act has been, you know, struck
 25 down; and, of course, that's not the case.
 What I tell the press is: Well, we've pretty
 much had a dry run of how things are going to be in
 2010, because we didn't have matching funds then. And

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1 so I think the -- the program will continue to function
 2 as well as it did in 2010, where we saw participating
 3 candidates beat much better-funded traditional
 4 candidates, and we saw choices for the voters because of
 5 those participating candidates, who may not have
 6 otherwise been able to run.
 7
 8 So, the program will continue to function as it
 9 always has. We will put review of the rules on the July
 10 agenda to give the Commission an opportunity to take a
 11 look at the rules that were directed to matching funds,
 12 and consider either changing them or deleting them.
 13
 14 I will be on Channel 3 tomorrow to debate --
 15 or, I guess, not really debate, discuss the ruling with
 16 Nick Dranias of the Goldwater Institute, which I'm sure
 17 will be lively. I will also be on vacation next week,
 18 but I will be available by e-mail and voice -- and cell
 19 phone, so please call me early and often, but I'll be
 20 out all of next week.
 21
 22 And our Website is down, it's been down since
 23 last night. McGee has been working overtime trying to
 24 get it working with our -- our various consultants.
 25 Basically, because the air conditioning went out, we had
 to shut down the -- the servers to protect their
 integrity, and they should be back up later today. So,
 you know, everything is normal. But right now, if you

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1 sent us an e-mail in the last -- in the last 18 hours or
 2 20 hours, we didn't receive it. But once we get it back
 3 up, we'll get those e-mails.
 4 That concludes my report unless you have
 5 questions.
 6 Oh. I should also introduce Steve Elzinga. He
 7 is Tom -- he's with Tom Collins, you know, our Assistant
 8 AG. Steve is a law clerk from U of A who is working in
 9 the Solicitor General's office this summer. So,
 10 welcome.
 11 MR. ELZINGA: Thank you.
 12 CHAIRPERSON FAIRMAN: Very good. Are there any
 13 questions of Mr. Lang? Okay. Well, thank you very
 14 much.
 15 Now, the first -- the move that I would like to
 16 make is, rather than before we go into the rules and the
 17 audits, I would like to take the liberty of moving Item
 18 VII(A), discussion of Maricopa County Superior Court
 19 litigation regarding referendum SCR 1025. I'd like to
 20 move that up to -- to take care of some schedules, if
 21 that's okay with everyone?
 22 COMMISSIONER RECKART: Fine.
 23 CHAIRPERSON FAIRMAN: So, with that, Todd, do
 24 you have an introduction to that item?
 25 MR. LANG: Yeah. With us today is Mary
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1 the microphone.
 2 MS. O'GRADY: Would you like me to move up?
 3 Thank you. And let me know if you can't
 4 hear me, those of you on the phone; or those of you in
 5 the room, for that matter.
 6 As Todd mentioned this, we've been monitoring
 7 and -- and -- and preparing to advise the Commission on
 8 the litigation concerning SCR 1025 that's been -- that's
 9 pending. The lawsuit challenging it is -- is based on
 10 separate amendment theories, although, they also have a
 11 declaratory -- claim for declaratory relief, asking the
 12 Court to construe the provision -- or saying it should
 13 be construed, so that it doesn't impact the Commission's
 14 educational functions. It only affects the ability to
 15 give public funding to campaigns.
 16 And, so, there's a declaratory relief count
 17 asking for that narrow construction, which would really
 18 eliminate the single subject concern. If there's not
 19 that narrowing construction, then the argument is
 20 there's a -- there's a separate amendment problem,
 21 because you really would be impacting these separate
 22 issues.
 23 There's also in the -- in the complaint a
 24 specific count as to the city of Tucson, which has a
 25 public funding program and a provision would transfer
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1 O'Grady. She is with Osborn Maledon. And, of course,
 2 you know her from her time at the Attorney General's
 3 Office. She is advising the Commission on issues
 4 regarding the proposed referral to the ballot, that
 5 would repeal or -- or impact Clean Elections. And she's
 6 here to advise the committee on those issues.
 7 And with her today is another attorney from her
 8 office, Joe Roth. So...
 9 CHAIRPERSON FAIRMAN: I believe for part of
 10 this -- or, at least for most of it, we're probably
 11 going to want to go into an executive session.
 12 But, Mary, do you have any remarks before that
 13 occurs?
 14 MS. O'GRADY: Well, if you like, Mr. Chairman,
 15 I can give you an update -- or, can give the Commission
 16 an update on the procedural status of the case --
 17 CHAIRPERSON FAIRMAN: That would be wonderful.
 18 I appreciate that.
 19 MS. O'GRADY: -- in open session.
 20 CHAIRPERSON FAIRMAN: That would be great.
 21 MS. O'GRADY: Okay.
 22 CHAIRPERSON FAIRMAN: Thank you.
 23 COMMISSIONER HOFFMAN: Can somebody put the
 24 microphone closer to Mary, please.
 25 CHAIRPERSON FAIRMAN: She's moving closer to
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1 monies from any existing -- that are allocated for
 2 public funding into the State General Fund. And so,
 3 there's a separate amendment claim as to that impact on
 4 that program as well.
 5 In terms of the procedural status, right now,
 6 they've -- the parties have agreed on a summary judgment
 7 briefing schedule, which is how the case will be
 8 resolved, since it is a -- a purely legal dispute. And
 9 the -- there's going to be simultaneous summary
 10 judgments filed, motions filed August 15th. And then
 11 there will be responses due September 30th, and argument
 12 is set for October 17th.
 13 And so, it's a -- it's a fairly quick schedule
 14 to get it -- get the case resolved. We, obviously,
 15 don't know after that when the Court would actually
 16 rule, that's up to the Court. And then following that,
 17 if -- if there's -- either party can take a direct
 18 appeal -- again, on an expedited basis -- to the State
 19 Supreme Court. So, it is structurally set up so that it
 20 would be resolved quickly through the -- the trial
 21 courts and through the appellate courts.
 22 And there have been intervenors in the case to
 23 defend the SCR, that are represented by the Goldwater
 24 Institute. So, there are multiple players in the
 25 litigation as of this point.
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1 So, that's the procedural status, and if
 2 there's additional questions, we should probably go into
 3 executive session for that discussion.
 4 COMMISSIONER RECKART: Just one thing. So, as
 5 I understand it, the Attorney General's Office, because
 6 of its difficulty in representing both sides, you are
 7 taking care -- you are handling the Commission's
 8 representation; is that correct?
 9 MS. O'GRADY: Yes. We're on the outside
 10 counsel list for the state of Arizona, and -- and
 11 because of this -- the other roles of the Attorney
 12 General's office, they reached out to us to -- to --
 13 to -- so the Commission would have counsel to advise
 14 them on this.
 15 COMMISSIONER RECKART: And, Tom, what is the
 16 Attorney General's office doing in this? What's their
 17 current disposition and participation?
 18 MR. COLLINS: The Attorney General's Office is
 19 representing the Secretary of State.
 20 CHAIRPERSON FAIRMAN: I'm sorry. I missed
 21 that.
 22 MR. COLLINS: They are representing the
 23 Secretary of State.
 24 CHAIRPERSON FAIRMAN: Okay. Okay. Okay. Are
 25 there any other general questions of -- of Mary?
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1 MS. O'GRADY: Thank you.
 2 CHAIRPERSON FAIRMAN: We'll look forward to
 3 updates.
 4 MS. O'GRADY: Thank you.
 5 Next on our agenda, we're going to go back to
 6 the regular agenda, it would be Item No. IV, and that's
 7 discussion and possible action on some rules. The first
 8 is (A), final approval on R2-20-108(C), and that's
 9 termination of participating candidate status. Todd.
 10 MR. LANG: Thank you, Mr. Chair.
 11 Commissioners, this is -- this is for -- your fin- --
 12 this is in front of you for your final approval. This
 13 will become a rule once you approve it and it's
 14 pre-cleared.
 15 And the extra language is simply to clarify
 16 that folks can reapply to be participating candidates
 17 and receive funding. That was already the practice, and
 18 this simply makes it clear; and it's, you know, it's
 19 just for clarity. We've received no comments, and so I
 20 ask that you approve it.
 21 CHAIRPERSON FAIRMAN: Any discussion? I'd like
 22 to hear a motion, please.
 23 COMMISSIONER HOFFMAN: I'd like to move to
 24 approve.
 25 CHAIRPERSON FAIRMAN: Second?
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1 If not, I'd ask for a motion to go into
 2 executive session to discuss this.
 3 COMMISSIONER RECKART: So moved.
 4 COMMISSIONER DANIELS: So moved.
 5 COMMISSIONER RECKART: Second.
 6 CHAIRPERSON FAIRMAN: We have a motion and a
 7 second. All those in favor, say "aye."
 8 (Chorus of "ayes.")
 9
 10 CHAIRPERSON FAIRMAN: Any opposed? No.
 11 Okay. We're going to go into executive
 12 session. It will take a minute to change the tapes.
 13 And those of you not directly involved, we'll see you in
 14 a little bit. Please wait outside.
 15 (Whereupon the public retires from the meeting
 16 room and the Commission proceeds in executive session at
 17 9:42 a.m.)
 18
 19 * * * * *
 20
 21 (Whereupon all members of the public are
 22 present and the Commission resumes in general session at
 23 10:07 a.m.)
 24
 25 CHAIRPERSON FAIRMAN: Okay. Thank you, Mary.
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1 COMMISSIONER HOFFMAN: I'd like to --
 2 COMMISSIONER DANIELS: Second.
 3 CHAIRPERSON FAIRMAN: Okay. We have a motion
 4 and a second. All -- all in favor of approving
 5 R2-20-108, the changes to Item (C), signify by saying
 6 "aye."
 7 (Chorus of ayes.)
 8
 9 CHAIRPERSON FAIRMAN: Any opposed? No. Thank
 10 you very much.
 11 Let's move on to the next, which is (B),
 12 proposed amendment to R2-20-702(C)(1) and (C)(6), use of
 13 campaign funds. Todd.
 14 MR. LANG: Thank you, Mr. Chair.
 15 Commissioners, I would suggest that these are
 16 substantively separate changes, and so that you -- if
 17 you -- if it goes to a vote, you vote on them
 18 separately.
 19 CHAIRPERSON FAIRMAN: Okay.
 20 MR. LANG: The first is at (C)(1), and this has
 21 simply been suggested by several candidates over the
 22 years and -- and so we bring it before you for your
 23 consideration. We've always barred the use of Clean
 24 Elections money for attorney's fees. This would allow
 25 Clean Elections candidates to use Clean Elections' money
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1 for attorneys or certified accountants for proactive
 2 compliance. In other words, not to defend against a
 3 Commission enforcement action, not to bring a petition
 4 challenge in Court or to defend one, but simply to get
 5 legal advice on how to structure their campaign, how to
 6 do campaign finance reports, whether something -- how
 7 something should be reported and the like. Basically,
 8 to avoid violating our laws.

9 And so I'd ask that you consider it. If -- if
 10 you approve it today, it would be out for notice and
 11 comment for 60 days, and then you'd have another
 12 opportunity to reconsider, based on the feedback.

13 CHAIRPERSON FAIRMAN: Discussion on (C)(1)?
 14 COMMISSIONER HOFFMAN: Mr. Chair?
 15 CHAIRPERSON FAIRMAN: Sure. Please. Go ahead.
 16 COMMISSIONER HOFFMAN: I move we put this out
 17 for public comment.

18 My personal, initial opinion is that the last
 19 sentence that Todd or staff drafted about -- is true,
 20 and is true under (C)(1) as written, because it talks
 21 about legal defense in any campaign law enforcement
 22 proceeding, and proactive advice is not a campaign law
 23 enforcement proceeding. But -- so, I don't -- I think
 24 it simply clarifies what is already inherent in it.

25 But I actually think that, more importantly, is
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 2 CHAIRPERSON FAIRMAN: None opposed. Thank you
 3 very much.

4 Let's move on to Agenda Item V, and these
 5 are -- we have --

6 MR. LANG: Mr. Chair?
 7 CHAIRPERSON FAIRMAN: Oh, I'm sorry.
 8 COMMISSIONER RECKART: (C)(6).
 9 CHAIRPERSON FAIRMAN: Oh. I'm sorry. Good
 10 point. See, I'm just -- I'm just anxious to have lunch.
 11 (C)(6), please, Todd.
 12 MR. LANG: Thank you, Mr. Chair.

13 Commissioners, this is an attempt to address some of the
 14 issues that were raised at the last meeting regarding
 15 use of Clean Elections funding to hire family members.
 16 We had feedback expressing concerns about that and we
 17 also had feedback supporting it and -- but what we know
 18 from Commissioner Daniels and several others, is that
 19 it's very legitimate and routine to hire family members
 20 for campaign work. And, again, Dean Martin's deceased
 21 wife was an expert and ran his campaigns and is sort of
 22 our representative of how legitimate that -- that sort
 23 of use of money could be.

24 And so, what this does is it -- it says that --
 25 it says that you can hire family members, but that you
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1 the part about "or" at the end of the first sentence.
 2 Which says: "Any affirmative claim or litigation in
 3 Court or before the Commission regarding the campaign."
 4 Which suggests that if, for example, you have a scenario
 5 where one candidate wants to have legal costs to make a
 6 complaint against another candidate or to -- or to
 7 participate in a complaint made by a third-party against
 8 an opposing candidate, that those kinds of legal costs
 9 are within the scope of what we intended about -- you
 10 know, just by the fact that it refers only to cost of
 11 legal defense and that might be, you know, considered
 12 offensive. So, I think it's important that we both --
 13 that we clarify what we mean in both respects. And I'd
 14 like to see whether there's public comment on that
 15 and -- and would move that we put (C)(1) out for public
 16 comment.

17 CHAIRPERSON FAIRMAN: Do we have a second to
 18 that motion?
 19 COMMISSIONER RECKART: Second.
 20 COMMISSIONER DANIELS: Second.
 21 CHAIRPERSON FAIRMAN: Okay. Any -- any further
 22 discussion?
 23 All in favor of the motion signify by saying
 24 "aye."
 25 (Chorus of ayes.)
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1 cannot pay them -- or pay -- family members or companies
 2 owned by family members or the candidate, but you can't
 3 pay them more than fair market value. Now, of course,
 4 that would be subject to debate and all that if an
 5 enforcement action arose. But what it does is it puts
 6 the onus on the candidate to demonstrate fair market
 7 value.

8 And so, for instance, if they're paying \$5,000
 9 for a 10-by-10 office space a month, and all the -- and
 10 all the other folks in the plaza are paying \$500, I
 11 think they might have a problem. It also, and I think
 12 very importantly, requires that any payments to family
 13 members or to companies owned by family members or the
 14 candidate, will be itemized in the campaign finance
 15 report. That way no one can accuse anyone of playing
 16 games and using the money to enrich themselves without
 17 disclosing it. And disclosure, of course, what do they
 18 say, is the best disinfectant.

19 So, I think this will keep folks honest, and it
 20 will allow their opponents to know when something is
 21 going on that they might want to look at, and it allows
 22 the press to know what's going on. So, I -- I strongly
 23 recommend, certainly, the last part of that.

24 CHAIRPERSON FAIRMAN: Yeah. Please,
 25 Commissioner Reckart.
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1 COMMISSIONER RECKART: Thank you. I like it,
 2 and -- and I was reading the minutes from last month's
 3 meeting, which I couldn't attend, but I -- I liked the
 4 debate that went on. I think this reflects and
 5 addresses everyone's concerns.
 6 I guess my only question is really just a
 7 procedural one for Tom, is that, you know, when we deal
 8 with something about making a determination of fair
 9 market value goods, I assume we have -- or services, we
 10 have the authority and we have the capacity to go ahead
 11 and make findings of fact or inquiries into those kinds
 12 of things in order to make -- rendering a decision, or
 13 how do we -- how do we go about that procedurally?
 14 MR. COLLINS: Well, the -- the -- the practice
 15 has been -- and I don't think that this is -- well, the
 16 practice has been -- and Todd and Daniel may be able --
 17 correct me if I'm wrong -- the practice has been in the
 18 context of doing that kind of assessment is to do a
 19 survey of the sort of relevant kind of service and use
 20 that to make a -- a factual assessment.
 21 COMMISSIONER RECKART: Okay. Okay. I'm just
 22 thinking back to the issues of fact related to the whole
 23 Barry Wong thing we talked about the last couple months
 24 and who -- who was right, and who was wrong, in terms of
 25 what was -- was there a contractor, was there not. And
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1 separate finding, it would be part of an enforcement --
 2 COMMISSIONER RECKART: Okay.
 3 MR. LANG: -- action. It would -- you know,
 4 that they paid "X" dollars for their consultant; we
 5 surveyed 10 Republican and 10 Democrat consultants, all
 6 of whom said that that was within the reasonable range,
 7 and -- and so we find no violation, or we find that this
 8 is an appropriate expenditure.
 9 CHAIRPERSON FAIRMAN: Commissioner Daniels, I
 10 hate to pick on you, but I know this was of great
 11 interest to you. What do you think about this?
 12 COMMISSIONER DANIELS: No, I think -- I think
 13 it's fine and I think it's -- it's a fair compromise.
 14 'Cause I don't think you want to not be able to hire
 15 family members, but I do think it shouldn't be
 16 excessive, either.
 17 CHAIRPERSON FAIRMAN: Okay. Any other
 18 discussion? If not, I'd entertain a motion.
 19 COMMISSIONER DANIELS: So moved.
 20 CHAIRPERSON FAIRMAN: Second?
 21 COMMISSIONER RECKART: Second.
 22 CHAIRPERSON FAIRMAN: Okay. We have a motion
 23 and a second on -- this is proposed amendment -- to
 24 approve proposed amendment R2-20-702(C)(6). And with
 25 that, all in favor?
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1 I'm just going here, well, if we have the capacity, if
 2 we have the authority to go ahead and do that, then I'm
 3 fine with that. I just want to point that out and say
 4 it.
 5 MR. COLLINS: Well, I think that -- I think
 6 it's a capacity issue. And I think, from what I
 7 understand, what -- how they've -- how we've handled
 8 related kinds of assessments, that capacity exists in
 9 the -- in the Commission statute.
 10 COMMISSIONER RECKART: Okay.
 11 MR. LANG: We generally give candidates
 12 latitude, of course. It's when they -- the enforcement
 13 would happen when they exceed it by a great deal. If
 14 they are on the high end of a range, you know, the
 15 Commission would probably permit it. But if it's -- if
 16 it's out of the range, that's when there's a problem.
 17 COMMISSIONER RECKART: So -- just so I can walk
 18 through this, Todd, what we would do is receive a
 19 recommendation, set up proposed findings, if you will,
 20 and a recommendation from staff, and the Commission will
 21 either adopt it or not adopt it and then we vote on that
 22 basis. And that's how -- that's how, we -- quote, "the
 23 fair market value" would be assessed at the Commission's
 24 level?
 25 MR. LANG: It would be -- it wouldn't be a
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1 COMMISSIONER RECKART: Aye.
 2 COMMISSIONER DANIELS: Aye.
 3 COMMISSIONER HOFFMAN: Point of order.
 4 CHAIRPERSON FAIRMAN: Yes?
 5 COMMISSIONER HOFFMAN: That should be -- the
 6 motion should be put out for public comment, right?
 7 CHAIRPERSON FAIRMAN: You're right. I'm sorry.
 8 Good call. Good call.
 9 MR. COLLINS: For -- for the record, if we --
 10 if we just could start with the -- Commissioner Daniels,
 11 if you could --
 12 COMMISSIONER DANIELS: Sure. Make a motion and
 13 bring it back to the second?
 14 MR. COLLINS: If we could unwind just -- just
 15 for the record. Just...
 16 CHAIRPERSON FAIRMAN: We can do that, as long
 17 as we don't have to go too far back.
 18 MR. COLLINS: Just for --
 19 COMMISSIONER DANIELS: Mr. Chairman, I move
 20 that we put out for public comment the proposed
 21 amendment R2-20-702(C)(6) be adopted.
 22 CHAIRPERSON FAIRMAN: And a second?
 23 COMMISSIONER RECKART: Second.
 24 CHAIRPERSON FAIRMAN: All in favor, say "aye."
 25 (Chorus of ayes.)
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 2 CHAIRPERSON FAIRMAN: None opposed. Thank you
 3 very much.
 4 Okay. Now, this is where we were a few minutes
 5 ago. We have five audits here, and I think if that's
 6 appropriate, Todd, I'd like to discuss each one of them
 7 separately, but then look at having one vote to accept
 8 them if that's possible. So with that, why don't we
 9 start with V(A), Teri Conrad.
 10 MR. LANG: The first matter -- thank you,
 11 Mr. Chair. The first audit is of Teri Conrad, a -- a
 12 District -- a candidate for State Representative in
 13 District 6. There was a notation of \$114.97. And
 14 that -- these page -- their audits -- they don't number
 15 their audits, but it's -- if you count the cover page,
 16 it's -- two, three, four, five -- on page 6. But that
 17 is going back to the problem we have when an expenditure
 18 is -- is made in the primary but not paid until the
 19 general. They only were reviewing the general, and so
 20 that's why that discrepancy is there. And so, this is
 21 not an issue for us. There are some issues in some of
 22 the other audits, but that is not an issue.
 23 CHAIRPERSON FAIRMAN: It's a -- our timing
 24 issue that we have consistently.
 25 MR. LANG: Right.

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1 CHAIRPERSON FAIRMAN: We can do that, or we
 2 could -- we could go back and let's approve each one of
 3 them separately, then.
 4 On the issue of Teri Conrad, is there any
 5 discussion on that, on accepting that audit?
 6 COMMISSIONER DANIELS: Mr. Chairman, I would
 7 move that we accept the audit of Teri Conrad, candidate
 8 for House of Representative District 6.
 9 CHAIRPERSON FAIRMAN: Second?
 10 COMMISSIONER RECKART: Second.
 11 COMMISSIONER HOFFMAN: Second.
 12 CHAIRPERSON FAIRMAN: All in favor.
 13 (Chorus of ayes.)
 14 CHAIRPERSON FAIRMAN: None opposed. Next --
 15 that passes.
 16 Next would be (B), David Gowan. Do I have a
 17 motion on David Gowan?
 18 COMMISSIONER RECKART: So moved.
 19 COMMISSIONER DANIELS: Mr. Chairman, I would
 20 move that we approve the audit for David Gowan,
 21 participating candidate for House of Representative,
 22 District 30.
 23 CHAIRPERSON FAIRMAN: And any second?
 24 COMMISSIONER HOFFMAN: Second.

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1 CHAIRPERSON FAIRMAN: Okay.
 2 MR. LANG: The next -- the next audit is of
 3 David Gowan. There were no -- no finding or issues
 4 there -- I mean, no findings of concern or issues found
 5 there.
 6 CHAIRPERSON FAIRMAN: Uh-huh.
 7 MR. LANG: Eric Shelley.
 8 COMMISSIONER HOFFMAN: I'm sorry. Should --
 9 MR. LANG: Go ahead.
 10 COMMISSIONER HOFFMAN: Should -- should we be
 11 dealing with -- could we possibly deal with these things
 12 one at a time so that, you know, so that we -- 'cause I
 13 don't have the capability right here to flip back and
 14 forth easily, as you guys do when you have the binders
 15 in front of you.
 16 Can we deal with these one at a time, please?
 17 MR. LANG: I'm not -- I don't know what you
 18 mean.
 19 CHAIRPERSON FAIRMAN: You want a -- you want a
 20 separate vote on each them?
 21 MR. LANG: You want to vote on them?
 22 COMMISSIONER RECKART: Yeah. A separate vote.
 23 COMMISSIONER HOFFMAN: Yeah. Could we -- could
 24 move -- could we approve the two audits that we've just
 25 discussed and then move on to the next one and so forth?

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1 CHAIRPERSON FAIRMAN: We have a -- we have
 2 motion and a second. All in favor say "aye."
 3 (Chorus of ayes.)
 4 CHAIRPERSON FAIRMAN: None opposed. Okay.
 5 Todd, we're now caught up to Eric Shelley.
 6 MR. LANG: Yeah. This is Item (C),
 7 Commissioners. Eric Shelley was a candidate for State
 8 Senate in District 7, and he came up with no
 9 irregularities. The -- the audit did note that there
 10 was a bill for \$26.79 to Four Peaks Grill, in which he
 11 failed to include the address of the -- of the
 12 restaurant. But other than that, it was a clean report,
 13 so I ask that you approve it.
 14 CHAIRPERSON FAIRMAN: Okay. Any discussion on
 15 V(C). Can I have a motion, please?
 16 COMMISSIONER DANIELS: Mr. Chairman, I'll move,
 17 again, that Eric Shelley -- that we accept the audit of
 18 Eric Shelley, participating candidate for State Senate,
 19 District 7.
 20 CHAIRPERSON FAIRMAN: Second?
 21 COMMISSIONER RECKART: Second.
 22 CHAIRPERSON FAIRMAN: All in favor, say "aye."
 23 (Chorus of ayes.)
 24
 25

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1 CHAIRPERSON FAIRMAN: None opposed. Very good.
 2 Thank you. Passes.
 3 Next is V(D), and that's Mr. Eric West.
 4 MR. LANG: Commissioners, there's two issues
 5 here. And I'll turn your -- draw your attention to
 6 page 6 and page 7, including the cover sheet. It's
 7 2.3.22. There was a discrepancy found of \$787.70. And
 8 that's -- unlike the first case where it was simply
 9 because they didn't audit the primary, this was within
 10 the general reporting period. We've not yet received a
 11 response by the candidate to the audit. And once the
 12 audit is -- once -- if you approve it today, we will ask
 13 for a response. If enforcement is necessary, we will,
 14 of course, bring that to your attention. And if there's
 15 a -- a -- if it can be reconciled and corrected without
 16 the need for an enforcement, we'll let you know that as
 17 well.
 18 There's also at 2.5.21, there was an
 19 expenditure for \$26.40 for postage stamps that didn't --
 20 they didn't find a record of that in the bank accounts,
 21 and we'll ask him about that. My guess is that won't
 22 result in an enforcement action, but we will ask him
 23 about these two items.
 24 Given those two issues, I -- I ask that you
 25 approve the audit and -- and understand that we will
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1 and then go back, or do we just hold them over for one
 2 meeting and then -- and then come back with the answer?
 3 I mean, I don't have a problem either way, but I was
 4 just curious what we've done in the past.
 5 MR. LANG: We usually approve them, but we
 6 certainly could hold it.
 7 CHAIRPERSON FAIRMAN: My experience is we
 8 approve them, and then if there's something that comes
 9 up by staff, then we readdress it.
 10 COMMISSIONER DANIELS: Okay. That's fine. I
 11 just was curious.
 12 CHAIRPERSON FAIRMAN: Okay. Okay. Is there
 13 any more discussion on -- on Mr. West, V(D)? If not, a
 14 motion, please.
 15 COMMISSIONER DANIELS: Mr. Chairman, I would
 16 move that we approve the audit of Eric West, candidate
 17 for House of Representative, District 11.
 18 CHAIRPERSON FAIRMAN: And a second?
 19 COMMISSIONER RECKART: Second.
 20 CHAIRPERSON FAIRMAN: All in favor, signify by
 21 saying "aye."
 22 (Chorus of ayes.)
 23 CHAIRPERSON FAIRMAN: Opposed? None opposed.
 24 Thank you very much.
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1 keep you up to date.
 2 CHAIRPERSON FAIRMAN: Commissioner Reckart?
 3 COMMISSIONER RECKART: Todd, just a quick
 4 question. I note on a few of these audits, and this is
 5 one, where are these discrepancies in terms of
 6 addresses. Does that raise an issue at all? Or, it's
 7 noted on a regular basis. What's the concern or what's
 8 the problem?
 9 MR. LANG: I wasn't concerned about those
 10 because generally they're -- AmeriCopy is a -- a chain
 11 and they have more than one store, and so sometimes they
 12 list different addresses, and I think it was a simple
 13 mistake. I don't think there's a doubt that the money
 14 went to AmeriCopy and -- in any other cases. And given
 15 that, I don't think it's necessary to look into it
 16 further.
 17 We can ask him -- since we're asking about
 18 these other issues as well, we will ask him to address
 19 those issues.
 20 COMMISSIONER RECKART: Okay. Thank you.
 21 COMMISSIONER DANIELS: Mr. Chairman, I have a
 22 quick question.
 23 CHAIRPERSON FAIRMAN: Please.
 24 COMMISSIONER DANIELS: Todd, when we do audits
 25 like this and we find issues, do we usually approve them
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1 Let's move on to V(E), which is Jeff Dial.
 2 MR. LANG: Thank you, Mr. Chair. Jeff Dial was
 3 a candidate for State Representative in District 20.
 4 There are two issues that I'd like to bring to your
 5 attention. At audit 2.3.22, there was a discrepancy
 6 within the period, which means it's something we need to
 7 look at, of \$81.50.
 8 And then at 2.5.1, there was an issue about an
 9 expenditure that was for both personal and campaign
 10 purposes. And he reimbursed the campaign for the
 11 personal portion, but he did not apportion the tax on
 12 the entire purchase. So we have asked for his response
 13 on those two issues, and I'm not certain that
 14 enforcement will be necessary, but we will let you know.
 15 CHAIRPERSON FAIRMAN: Okay.
 16 COMMISSIONER DANIELS: Mr. Chairman, I have a
 17 question for Todd.
 18 CHAIRPERSON FAIRMAN: Please.
 19 COMMISSIONER DANIELS: In the past when they
 20 haven't done something with the taxes, we usually just
 21 ask for the money back, we don't normally fine them in
 22 that instance, do we?
 23 MR. LANG: No. I think if that's the only
 24 issue, I think we would simply ask him to reimburse the
 25 portion that he owes.
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1 COMMISSIONER DANIELS: Okay.

2 MR. LANG: And the \$81.50 remains a question.

3 COMMISSIONER DANIELS: Uh-huh.

4 MR. LANG: I anticipate that it will be

5 reconciled or explained; but, if not, we will let you

6 know.

7 COMMISSIONER DANIELS: Okay.

8 CHAIRPERSON FAIRMAN: Okay. We have a motion

9 to accept the audit?

10 COMMISSIONER DANIELS: Mr. Chairman, I'll make

11 my last motion of the day. That we accept the audit of

12 Jeff Dial, participating candidate for House of

13 Representative, District 20.

14 CHAIRPERSON FAIRMAN: Do we have a second?

15 COMMISSIONER RECKART: Second.

16 CHAIRPERSON FAIRMAN: Okay. We have a motion

17 and a second. All in favor say "aye."

18 (Chorus of ayes.)

19

20 CHAIRPERSON FAIRMAN: None opposed. Thank you

21 very much.

22 Let's continue on the agenda. We're now at

23 Item VI, which is -- you have a schedule in front of

24 you, and that's discussion and action on proposed

25 Commission dates for July through December. Any

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1 CHAIRPERSON FAIRMAN: Okay.

2 COMMISSIONER DANIELS: -- that has the

3 conflict.

4 CHAIRPERSON FAIRMAN: Okay.

5 COMMISSIONER HOFFMAN: Does the "have quorum"

6 notation mean that not necessarily that everybody is

7 available, but that there's at least a quorum?

8 MS. THOMAS: Correct. If I said we have a

9 quorum, there's at least three available.

10 COMMISSIONER HOFFMAN: Does "conflict" mean

11 that there's -- there's no date for which there's --

12 does that mean that more than one person had a conflict,

13 so there's no quorum?

14 MS. THOMAS: If I outlined that we have a

15 quorum, three out of the four Commissioners can attend

16 the day that I've outlined in blue.

17 MR. LANG: What does the red mean? Does that

18 mean --

19 MS. THOMAS: One Commissioner has a conflict

20 that date.

21 COMMISSIONER RECKART: And in October you will

22 note, where there is a conflict --

23 COMMISSIONER HOFFMAN: I'm confused. I'm

24 sorry. The blue means that three or all four have --

25 are free?

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1 thoughts from anyone on that?

2 COMMISSIONER RECKART: I --

3 CHAIRPERSON FAIRMAN: Yeah. Please.

4 COMMISSIONER RECKART: Any of these dates works

5 for me. So, I -- I don't have any restrictions. So,

6 I'll accommodate what folks need. My only thought would

7 be if we could find some way to do the August meeting on

8 the 25th, to allow time to digest from the filings on

9 the 15th, and -- and advise. That would be helpful.

10 CHAIRPERSON FAIRMAN: Very good point. Any

11 thoughts on that, Todd, from staff's point of view? I

12 see that it says here that the -- we have a quorum for

13 the 18th, but it doesn't say we don't have a quorum with

14 the 25th.

15 MR. LANG: What -- what Paula has did is

16 surveyed the Commissioners, and I think one of

17 Commissioners must have a -- have a conflict on the

18 25th.

19 Is that right, Paula?

20 MS. THOMAS: That's for the month of?

21 CHAIRPERSON FAIRMAN: August.

22 MR. LANG: August.

23 MS. THOMAS: Yes.

24 COMMISSIONER DANIELS: Oh. The 25th, that

25 would be me --

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1 CHAIRPERSON FAIRMAN: Three or more.

2 COMMISSIONER HOFFMAN: And the red means what?

3 MS. THOMAS: The blue means I only have three

4 Commissioners that can attend on that date, where I've

5 noted it.

6 COMMISSIONER HOFFMAN: And red means that it --

7 MS. THOMAS: There's one Commissioner that has

8 a conflict but we still have three Commissioners

9 available.

10 COMMISSIONER HOFFMAN: Okay. And the red means

11 we -- we only have two or fewer available?

12 MS. THOMAS: Red means one Commissioner has a

13 conflict, but I have a quorum. I have three

14 available --

15 COMMISSIONER HOFFMAN: The red?

16 CHAIRPERSON FAIRMAN: Yes... okay. I'm

17 confused now. Because that's -- that sounds like we're

18 saying the same thing.

19 MS. THOMAS: Okay.

20 COMMISSIONER RECKART: We have --

21 MS. THOMAS: We can go month-by-month and I can

22 break it down --

23 CHAIRPERSON FAIRMAN: Okay.

24 MS. THOMAS: -- if it's easier.

25 CHAIRPERSON FAIRMAN: Let's do that. So, July

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1 is all set.

2 MS. THOMAS: July is all set.

3 CHAIRPERSON FAIRMAN: Okay.

4 MS. THOMAS: We have -- we have all

5 Commissioners available for July 21st.

6 CHAIRPERSON FAIRMAN: And on August we have --

7 on the 18th we have -- we have all four Commissioners,

8 on the 25th we only have three.

9 MS. THOMAS: For August, I have three

10 Commissioners available on the 18th, one is not

11 available at all on the 25th, and one Commissioner can

12 do either/or. So, I've -- out of the three, the 18th is

13 the most favorable date for three.

14 COMMISSIONER HOFFMAN: What does: "One

15 Commissioner either/or" mean?

16 COMMISSIONER RECKART: It's actually three for

17 both.

18 MS. THOMAS: Yeah.

19 MR. LANG: But don't we have all -- all four

20 Commissioners available on the 18th?

21 MS. THOMAS: No.

22 (Whereupon a discussion was held off the

23 record between Chairperson Fairman and Ms. Thomas.)

24

25 CHAIRPERSON FAIRMAN: Okay. So we're back
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1 looks like the preferred day is the 29th. Everyone okay

2 with that?

3 COMMISSIONER DANIELS: Yeah. I had a problem

4 when I talked about it, but I don't now because I got

5 some plans changed.

6 MS. THOMAS: Perfect.

7 CHAIRPERSON FAIRMAN: Okay. 29th it is.

8 Now, looks like in October we -- at the

9 very best, we only have three people for each meeting.

10 MS. THOMAS: October, there is a conflict. I

11 only had -- I had two Commissioners available for the

12 20th, and two Commissioners available for the 27th. So,

13 I don't have a quorum. It's two and two. So --

14 CHAIRPERSON FAIRMAN: Well, I'll --

15 MS. THOMAS: -- and if something's changed from

16 the time I e-mailed.

17 CHAIRPERSON FAIRMAN: I'll make it work for any

18 day.

19 MS. THOMAS: Okay.

20 CHAIRPERSON FAIRMAN: I'll figure that out.

21 COMMISSIONER HOFFMAN: Well, can I suggest that

22 we -- since we have the things scheduled for the next

23 several months, that we deal with the forth quarter in a

24 forthcoming meeting, and maybe things will be a little

25 more -- prettier by then. I know my schedule --
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1 to August --

2 COMMISSIONER HOFFMAN: I'm sorry. I still

3 don't understand it, but... How many do we have

4 available on the 18th and how many do we have available

5 on the 25th?

6 MR. RECKART: Louis, we're going to get there.

7 I think Jeff is going to take care of it now.

8 COMMISSIONER HOFFMAN: Okay.

9 CHAIRPERSON FAIRMAN: Yeah. I think -- I think

10 on the -- on the 18th, we have -- we have, for certain,

11 three; is that correct?

12 MS. THOMAS: That's correct.

13 CHAIRPERSON FAIRMAN: Okay. And on the 25th we

14 have three, but it potentially could only be two.

15 COMMISSIONER HOFFMAN: Well, I -- I mean, I

16 move we hold it on the 18th.

17 COMMISSIONER RECKART: Yeah.

18 CHAIRPERSON FAIRMAN: Okay. I agree. There

19 you go. I love that decisiveness. Excellent move.

20 Okay. On the -- on September -- and then

21 we'll -- it will just be us -- up to us to do our

22 homework after the 15th, and we'll rely on staff to --

23 to help us with that.

24 COMMISSIONER RECKART: Yeah. Okay.

25 CHAIRPERSON FAIRMAN: Okay. September, it
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1 MR. LANG: Over the years -- Commissioner

2 Hoffman, that's fine. But over the years, what we've

3 found is if we don't schedule way in advance, your

4 calendars fill up, they don't get open.

5 COMMISSIONER HOFFMAN: Yeah. I understand

6 the -- the issue. I was thinking just along the lines

7 of, you know, one month, so that we can, you know, to

8 deal with the other ones out there. Because, you know,

9 I have some court matters that I'm aware of that are

10 currently scheduled, but they might go away. And so

11 it's, you know, you know -- or, we could sit down and

12 compare exact days within the -- those months and figure

13 out, you know, some unusual date that fits everybody, or

14 whatever.

15 CHAIRPERSON FAIRMAN: Well, Commissioner

16 Hoffman, let me -- let me -- let me straighten things up

17 a little bit for October. I just looked at the -- at

18 Paula's notes, and in October the two people that have

19 the conflict are Commissioner Reckart and myself, and we

20 both said we'd make ourselves available.

21 So, why don't we just say that's the 27th.

22 Because I -- I personally would like to get these

23 calendared because it -- it really is helpful for me, as

24 far as that goes.

25 COMMISSIONER HOFFMAN: Okay. Fine with me.
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1 CHAIRPERSON FAIRMAN: So, we're going to make
 2 it the 27th in October.
 3 MS. THOMAS: Tim is not available on the 27th.
 4 CHAIRPERSON FAIRMAN: He is now.
 5 MS. THOMAS: Okay.
 6 COMMISSIONER RECKART: Yeah.
 7 CHAIRPERSON FAIRMAN: And then it looks like in
 8 November -- let's look at your notes, Paula. Who is --
 9 MS. THOMAS: I have these three for sure.
 10 Louis had a conflict.
 11 CHAIRPERSON FAIRMAN: Louis, you had a conflict
 12 on the 30th, but the 17th appears to be --
 13 MS. THOMAS: Conflict with the 17th.
 14 CHAIRPERSON FAIRMAN: Yeah. You have a -- oh.
 15 You're available on the 30th, but not the 17th.
 16 COMMISSIONER HOFFMAN: Yeah. I think that's
 17 the court date that I mentioned.
 18 CHAIRPERSON FAIRMAN: Okay. Why don't we say
 19 it -- then let's say it's going to be -- which is the
 20 preferred date, then, Paula?
 21 MS. THOMAS: The 17th.
 22 CHAIRPERSON FAIRMAN: The 17th would be the
 23 date of the meeting.
 24 COMMISSIONER HOFFMAN: Okay.
 25 CHAIRPERSON FAIRMAN: Okay. And then in
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1 CHAIRPERSON FAIRMAN: Yeah.
 2 MS. THOMAS: Okay.
 3 COMMISSIONER DANIELS: Sounds good.
 4 COMMISSIONER HOFFMAN: Could you repeat --
 5 CHAIRPERSON FAIRMAN: Okay. I will.
 6 COMMISSIONER HOFFMAN: -- repeat those one more
 7 time, please.
 8 CHAIRPERSON FAIRMAN: Be glad to, yes.
 9 July 21st, August 18th, September 29th, October 27th,
 10 November 17th, and December 15th.
 11 COMMISSIONER HOFFMAN: Thank you.
 12 CHAIRPERSON FAIRMAN: You're welcome. Thank
 13 you. I think it's nice to have that scheduled ahead of
 14 time. I find that very helpful. So, thank you very
 15 much for putting up with that. That's great.
 16 Next, we're going to move on to Item VII,
 17 litigation update. And we've already addressed
 18 Item VII(A). I'd like to have a general discussion of
 19 Item VII(B), before we go into executive session, if we
 20 find that necessary.
 21 So, Todd, would you please get us started.
 22 MR. LANG: Yeah. Actually, Tom is prepared to
 23 discuss the -- are we talking about VII -- VII(A)?
 24 MR. COLLINS: VII(B).
 25 CHAIRPERSON FAIRMAN: No, (B).
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1 December, my concern about the 22nd, is it's just so
 2 close to the holiday, but I -- I can make myself
 3 available. Okay. So we'll say in December it's the
 4 15th?
 5 MS. THOMAS: No, the majority said the 22nd,
 6 except Tim is not available on the 15th.
 7 CHAIRPERSON FAIRMAN: Okay. So -- what do we
 8 want to do?
 9 MS. THOMAS: Or you can pick another date.
 10 COMMISSIONER RECKART: Let's go with the 15th,
 11 and I'll make it work.
 12 CHAIRPERSON FAIRMAN: 15th it is. The 15th it
 13 is.
 14 Okay. Is that clear?
 15 COMMISSIONER DANIELS: As mud.
 16 MS. THOMAS: No. In December, everybody was
 17 available on the -- on the 22nd except for Tim.
 18 CHAIRPERSON FAIRMAN: Okay. So here's what we
 19 got is: July 21st, August 18th, September 29th,
 20 October 27th, November 17th, and December 20- -- 15th.
 21 MS. THOMAS: December 22nd works best for
 22 everybody.
 23 CHAIRPERSON FAIRMAN: 15th it is, though.
 24 MS. THOMAS: Okay. Okay.
 25 COMMISSIONER RECKART: I'll make it work.
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1 MR. LANG: VII(B). Yeah. I mean, as you know,
 2 we have a voter education plan every year, and -- and we
 3 have one going this year, and we're required to do so by
 4 statute, and we plan to have a voter education plan next
 5 year, in 2012.
 6 The issue has arisen that because there's a
 7 repeal on the ballot, the Goldwater Institute, on behalf
 8 of their clients, are concerned about the education
 9 plan. And they have three basic concerns, and they are
 10 threatening litigation and have done a rather large
 11 public records request in preparation for that
 12 litigation. So, that's -- that's sort of where we are.
 13 We -- we engaged in a conversation with them
 14 regarding our education plan to try to work things out.
 15 That was unsuccessful. It doesn't mean we can't
 16 continue to -- to discuss it with them. But that
 17 really, I think, summarizes it.
 18 Do you have anything to add on that, Tom?
 19 MR. COLLINS: Not with respect to the -- no.
 20 To the -- to the procedural aspect of things. I think
 21 if you have any questions for me --
 22 CHAIRPERSON FAIRMAN: I do believe it's time
 23 for some legal advice on this. And with that, I'd ask
 24 for a motion to go into executive session.
 25 COMMISSIONER RECKART: That's fine.
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1 COMMISSIONER DANIELS: So moved.
 2 MR. COLLINS: Just to clarify.
 3 CHAIRPERSON FAIRMAN: Yes.
 4 MR. COLLINS: We're going in under 43 -- under
 5 the (A)(4), so it's not necessarily strictly speaking
 6 for legal advice, it's for consultation. I just wanted
 7 to make it clear.
 8 CHAIRPERSON FAIRMAN: Okay. Thank you. Thank
 9 you very much.
 10 We have a motion and I believe a second?
 11 COMMISSIONER RECKART: Second.
 12 CHAIRPERSON FAIRMAN: Okay. All in favor, say
 13 "aye."
 14 (Chorus of ayes.)
 15
 16 CHAIRPERSON FAIRMAN: None opposed. I'm sorry
 17 to do this to you, sir, but we're back into executive
 18 session.
 19 We'll wait just a minute to change the tape
 20 here.
 21 (Whereupon the public retires from the meeting
 22 room and the Commission proceeds in executive session at
 23 10:38 a.m.)
 24 * * * * *
 25
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1 campaign finance reform, and there's a number of
 2 theories out there in the world of the pundits that I'm
 3 not going to get into.
 4 The bottom line is that we need to change our
 5 rules to reflect the Court's ruling. Matching funds
 6 will be taken out of our rules, the -- the provisions
 7 for that. And we'll simply move forward. And the only
 8 thing left in the litigation, I don't think it will be
 9 remanded on any -- on any substantive issues, it's
 10 simply the attorney's fees request that will be
 11 undoubtedly coming.
 12 CHAIRPERSON FAIRMAN: Okay.
 13 MR. COLLINS: Which will be substantial.
 14 CHAIRPERSON FAIRMAN: Any other discussions on
 15 this?
 16 I -- I have one thing, Todd. I was looking at
 17 the -- some of the coverage. And one of the things that
 18 was left out of the coverage was the fact that McComish
 19 originally ran and was elected using Clean Elections
 20 money. And was that ever a part of this discussion
 21 before the Supreme Court at all or has that been just
 22 overlooked?
 23 MR. LANG: I think it may have been in some of
 24 the pleadings, but it certainly wasn't brought up in
 25 oral argument, because it's not just relevant. In terms
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1 (Whereupon all members of the public are
 2 present and the Commission resumes in general session at
 3 11:19 a.m.)
 4
 5 CHAIRPERSON FAIRMAN: Okay. So, thank you.
 6 So, if you-all would just continue discussions with
 7 Goldwater Institute and we'll -- we'll get further
 8 updates as time goes on.
 9 MR. LANG: Thank you.
 10 CHAIRPERSON FAIRMAN: The -- and I -- I hate to
 11 do this to you, but now we have Item VII(C), which may
 12 or may not go into executive session, but let's see
 13 where it goes.
 14 And let's start with the conversation with just
 15 a general update. Todd, I would hand it over to you.
 16 MR. LANG: Well, you know, I mention this in
 17 our ED report. It's America --- it's America Free
 18 Enterprise -- Free Enterprise PAC for Freedom, or
 19 something like that. I think they have "freedom" in
 20 there twice. They really like freedom.
 21 Anyway, the Court decided that that would be
 22 the name of the case, and not the much easier to use
 23 "McComish." They ruled 5-4. The good news is, it was a
 24 very narrow decision. They didn't get into
 25 content-based scrutiny, they didn't broadly attack
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1 of the media, they all know it, because I tell them
 2 every time I talk to them.
 3 CHAIRPERSON FAIRMAN: Okay. Just curious.
 4 MR. LANG: I tell them he was one of our
 5 success stories. And, you know --
 6 CHAIRPERSON FAIRMAN: Okay. Any other
 7 discussions or thoughts about this before -- and do
 8 you -- does anyone see the necessity of going into an
 9 executive session to further discuss this?
 10 MR. RECKART: Not me.
 11 CHAIRPERSON FAIRMAN: I don't think so.
 12 COMMISSIONER DANIELS: No.
 13 CHAIRPERSON FAIRMAN: Okay. Well, we have a
 14 member of the public, Public. We are now going for a
 15 public comment. Do you have anything you'd like to --
 16 to add?
 17 MR. KLawson: I'm good.
 18 CHAIRPERSON FAIRMAN: Okay. Thank you very
 19 much.
 20 Given that, I would now ask for a -- for
 21 a motion to adjourn.
 22 COMMISSIONER HOFFMAN: I move we adjourn.
 23 COMMISSIONER DANIELS: I'm prepared to do it.
 24 COMMISSIONER HOFFMAN: I already moved to be
 25 adjourned.
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1 COMMISSIONER DANIELS: Okay.
 2 CHAIRPERSON FAIRMAN: Okay. Do we have a
 3 second?
 4 COMMISSIONER RECKART: Second.
 5 COMMISSIONER DANIELS: Second.
 6 CHAIRPERSON FAIRMAN: And all in favor, say
 7 "aye."
 8 (Chorus of ayes.)
 9
 10 CHAIRPERSON FAIRMAN: None opposed. Thank you
 11 very all much. I know it was a long meeting but it was
 12 important.
 13 Thank you and we'll see you in July.
 14 (Whereupon the proceeding concludes at 11:23
 15 a.m.)
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1 C E R T I F I C A T E
 2
 3 I, Angela Furniss Miller, Certified Reporter,
 4 do hereby certify that the foregoing pages numbered 1
 5 through 46, inclusive, constitute a full and accurate
 6 printed record of my stenographic notes taken at said
 7 time and place, all done to the best of my skill and
 8 ability.
 9 DATED, at Phoenix, this 6th day of July, 2011.
 10
 11
 12
 13 Angela Furniss Miller, RPR
 14 Certified Reporter (A250127)
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